

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	5:23-cv-02501-SP	Date	March 13, 2024
Title	TEMPLE CHIJINDU EZERIBE v. ALEJANDRO MAYORKAS., et al.		

Present: The Honorable	Sheri Pym, United States Magistrate Judge
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Kimberly Carter

None Appearing

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

None Appearing

None Appearing

Proceedings: (In Chambers) Order to Show Cause Why Case Should Not Be Dismissed for Failure to Effect Service and Prosecute

On December 6, 2023, plaintiff filed a complaint against defendants: Alejandro Mayorkas, Secretary of Department of Homeland Security; Ur M. Jaddou, Director of U.S. Citizenship and Immigration Services (USCIS); Alanno O, Director of USCIS District of San Diego; and Irene Martin, Director of USCIS San Bernardino Field Office. Under Federal Rule of Civil Procedure 4(m), plaintiff was required to serve each defendant with the summons and complaint within 90 days after the complaint's filing, that is, no later than March 5, 2024. Because the defendants to be served are officers or employees of the United States sued in their official capacity, under Federal Rule of Civil Procedure 4(i), to effect service on each defendant, plaintiff was specifically required to serve the summons and complaint on: (1) the United States Attorney for the Central District of California (by delivering a copy to the United States Attorney or her designee, or by sending a copy by registered or certified mail to the Civil Process Clerk at the United States Attorney's Office for the Central District of California); (2) the United States Attorney General by sending a copy by registered or certified mail to the Attorney General of the United States in Washington, D.C.; and (3) the named defendants by sending a copy by registered or certified mail to them.

The deadline for service has now passed, but plaintiff has not filed any proof of such service with the court, nor is there any other indication before the court that the summons and complaint have been served on any defendant. As such, it appears plaintiff has failed to effect service on defendants.

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Accordingly, plaintiff is ORDERED to show cause in writing by ***March 27, 2024*** why this case should not be dismissed without prejudice for plaintiff's failure to prosecute and serve defendants within the required time period. Plaintiff may discharge this Order to Show Cause by filing, not later than March 27, 2024, proof of complete and proper service of the summons and complaint.

The court warns plaintiff that failure to respond to the Order to Show Cause by March 27, 2024, or further failure to prosecute this action in accordance with court orders, may result in dismissal of this action for failure to prosecute.